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ABSTRACT

The understanding of two principles is important if school districts are to develop comprehensive plans responsive to the Lau v. Nichols remedies specified by the Department of Health, Education, and Welfare (HEW) in ways that both adhere to the spirit of the Lau decision and allow the school district to develop coherent educational programs for all students. First, it should be understood that the remedies are minimal and that they have been drawn to adhere to the narrowest legal interpretation on the basis of the most promising current knowledge and thought relating to the education of children of limited English-speaking ability and cannct require bilingual, multicultural programs for all children. Second, an acceptable plan must include realistic time-outcome expectations; a plan can be rejected for projecting unrealistic expectations. The development of an elementary-level compliance plan calls for four phases: student identification, student language assessment, analysis of achievement data, and creation of program offerings. The process at the secondary level is the same except that program offerings can include a wider array of options. A sample community language survey form is included. (Author/IRT)

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LAU REMEDIES OUTLINED

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In 1975 the Department of HEW issued a memorandum specifying remedies available to school districts for the elimination of past educational practices ruled unlawful under Lau v Nichols.

The effect of this memorandum is that a large number of school districts are in the process of developing plans to submit to HEW on approaches the districts will take in meeting the educational needs of children of limited English-speaking ability (LESA).

Since the Lau remedies were developed for a variety of school situations affecting some 15 million children in most of the 50 states, for ethnic groups speaking a variety of languages, and for school district enrollments ranging in size from dozens to thousands and constituting from 1 to 99 per cent of the student population, it is understandable that there exists some confusion in the interpretation and implementation of the guidelines.

The understanding of two principles is important if school districts are to develop comprehensive plans responsive to the Lau remedies in ways which both adhere to the spirit of the Lau decision and allow the school district to develop coherent educational programs for all students.

First, it should be understood that the remedies are minimal and that they have been drawn to adhere to the narrowest legal interpretation of Lau v Nichols on the basis of the most promising current knowledge and thought relating to the education of children of limited English-speaking ability. Thus while a bilingual

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multicultural program for all children in a particular area may be best from a pedagogical perspective and most efficient from an administrative perspective, these cannot be required from a legal perspective given the Court's most current ruling on the education of LESA children.

Second, it is important to bear in mind that comprehensive planning to remove past inequities between groups of students is a major effort that requires a realistic assessment of available resources including time, staff, money, space, and curriculum, and the systematic acquisition, redirection, adaptation and utilization of these to meet the new objectives. Thus a comprehensive educational plan may be unacceptable to HEW-OCR when it projects unrealistic time-outcome expectations which may in fact be little more than lip service to the requirements of Lau. By the same token a school district can establish realistic projections for time-outcome expectations relative to Lau giving an indication of an intent to aggressively and systematically pursue the appropriate resources. The Lau remedies require a plan, not a magic trick.

The HEW Office of Civil Rights has scheduled an extensive number of meetings with school personnel for Lau remedy interpretation, and Office of Education sponsored technical assistance centers (GAC-Type B) have been established to provide assistance to school districts in the implementation of remedies which respond to the Lau decision.

In spite of efforts to facilitate the implementation of Lau remedies, some amount of confusion still exists as to the minimum requirements of school districts.

The following diagrams present the basic requirements of the Lau remedies. Though not an official HEW interpretation, this simplified version based on educational administrative experience is practical, readily understood, and dispels the alarm, confusion and myths surrounding Lau remedies. Furthermore, a plan which

provides for meeting the basic requirements outlined should be readily acceptable to HEW as meeting the guidelines stipulated in the Lau remedies.

The development of a compliance plan calls for four phases: student identification, student language assessment, analysis of achievement data and program offerings. Additional requirements center on secondary education, staffing, student placement, parent communication, curricular and co-curricular offerings and reporting and evaluation requirements.

Although adherence to a narrow legal interpretation of Lau v Nichols has led to the formulation of what appear to be a complex conglomerate of requirements, the remedies simply require:

a) That schools systematically and validly ascertain which of their clients are linguistically different;

b) that schools systematically and validly ascertain the language characteristics of their clients;

c) that schools systematically ascertain the achievement characteristics of their clients; and

d) that schools match an instructional program to the characteristics as ascertained.

Phase I -- Potential Student Identification

The screening process is initiated by the identification of a potential student population. These are students who may be target students as recipients of Lau remedies, though the vast majority may not be affected.

Lau remedies require three criteria for potential student identification: 1) first language acquired by the student, 2) the language most often spoken in the student's home, and 3) the language most often spoken by the student.

If the answer to all three is "English," the student is not a target student and requires no further Lau treatment.

If the answer to any of these three questions is a language other than English, the student is identified as a potential target student, though whether Lau treatment is required or the type of treatment to be offered is dependent on further analysis.

School personnel have expressed concern over the method to be used for the identification of potential target students. Lau remedy guidelines are not specific on this question other than insisting on the obviously imperative condition that the assessor have competency in the language or languages to be assessed, and that judgements which are to determine placement be validated through subsequent observation.

In very large school districts with large percentages of minority children this student identification phase may require extensive resources from the district, but a need for such resources may be kept to a minimum by utilizing parental assistance.

IDRA has developed a Community Language Survey which may be utilized. In this form, intended to be sent home with the children, parents are asked to indicate the responses to the three questions dealing with first acquired language, language most often spoken in the home and language most often spoken by the child.

Responses given by parents can be expected to be fairly valid, though as stated previously some validation should be conducted since some parents have been known to fear school reprisals for allowing their children to speak a language other than English and project their concern in their responses.

Parental fears may be assuaged through the utilization of professional and/or paraprofessional personnel who (a) speak the predominant language of the community, (b) reside in the community and/or are known to parents in the community and (c) can effectively communicate with parents the district's objectives in securing the information.

Phase II -- Student Language Assessment

It follows that regardless of a student's first acquired language, language spoken at home or in a social setting, the type of program best suited for the student is one which is compatible with his language characteristics. Though a student may have spoken Spanish before learning English, if he no longer speaks Spanish placing him in an educational program in which basic skills are taught exclusively in Spanish is obviously questionable, although placing him a linguistically heterogenous bilingual program where the child's dominant language is used for the teaching of basic skills while a second language is developed may have highly positive affective and cognitive outcomes. Therefore, it is necessary to assess the language characteristics of potential target students.

Such an assessment must be done utilizing a measure of language competence in English and other languages spoken by the student (See "PAL Measures Language Dominance," Sylvia Gil, IDRA Newsletter, Nov. 1975).

Following such an assessment the student can be classified into one of five categories:

a) monolingual in a language other than English

b) predominant speaker of a language other than English, though he knows some English

c) bilingual, i.e., has equal facility in English and some other language

d) predominant speaker of English, though he knows some other language

e) monolingual in English, speaks no other language

Contrary to a concern expressed by some school personnel, Lau remedies require that only elementary school students who are monolingual or are predominant speakers of a language other than English be placed in a bilingual education program (see diagram).

Students who are bilingual, predominant English-speaking, or monolingual English-speaking need not be placed in a bilingual education program, though other treatment may be required if the student is underachieving.

Phase III -- Achievement Data

If a potential target student is not required to be placed in a bilingual program because he is in any of the three categories: bilingual, predominant English speaker, or monolingual English speaker, further treatment is dependent on the performance in school. If the student is performing at grade level expectancy no further Lau remedies treatment is required, and he is dropped from the Lau target student population.

If a potential target student is underachieving it is required that the school system conduct a diagnosis of the learning problem and develop an individually prescribed educational plan to remedy the existing problem and assure improved performance.

Underachievement is defined in the Lau remedies as performing at or below one standard deviation below the mean score for non-minority (Anglo) children.

This definition of underachievement implies that school districts must determine achievement norms for non-ethnic/racial minority students. The standard

deviation for these scores must be determined, and scores of potential target students must be compared with this criterion.

Phase IV -- Program Offering

As discussed previously, the school district must provide two educational services for students under the Lau remedies. Students who are monolingual or predominant speakers of a language other than English must be placed in a bilingual education program, defined by OCR in three ways (see diagram).

Students who are bilingual, predominant or monolingual English-speaking must be diagnosed and individually prescribed compatible program must be afforded.

Secondary Level

At the intermediate and high school levels the phases for the identification of the target population are the same as at the elementary level though the fourth phase, Program Offerings, allows for a wider array of options.

Students who are monolingual in a language other than English may be placed in any of four options available to the district:

1. A bilingual education program,
2. a program in which the native language is used exclusively while English is being taught as a second language,
3. a program in which subject matter is taught in the native language and then bridged into English as English is acquired in the subject matter courses and
4. Total immersion in an English as a Second Language (ESL) program or High Intensity Language Training (HILT) program until sufficient mastery of the English language allows the student to be placed in regular subject matter courses.

As in the case of elementary level students, secondary students who are not monolingual in a language other than English and underachieving must be diagnosed and given an individually prescribed program which assures improved performance.

ESTUDIO DE IDIOMA LOCAL

Nombre de los Padres: Padre _____

Madre _____

Otro _____
(Si no es el Padre o la Madre)

Domicilio: _____

_____

Teléphono: _____

Idioma que se habla en casa: _____

Niños:

Nombre	Escuela que asiste	Año	Primer idioma que aprendió el niño	Idioma que se habla en casa más frecuentemente	Idioma que usa el niño para comunicarse con otros niños

COMMUNITY LANGUAGE SURVEY

Parent's Name: Father _____

Mother _____

Legal Guardian _____
(if other than above)

Address: _____

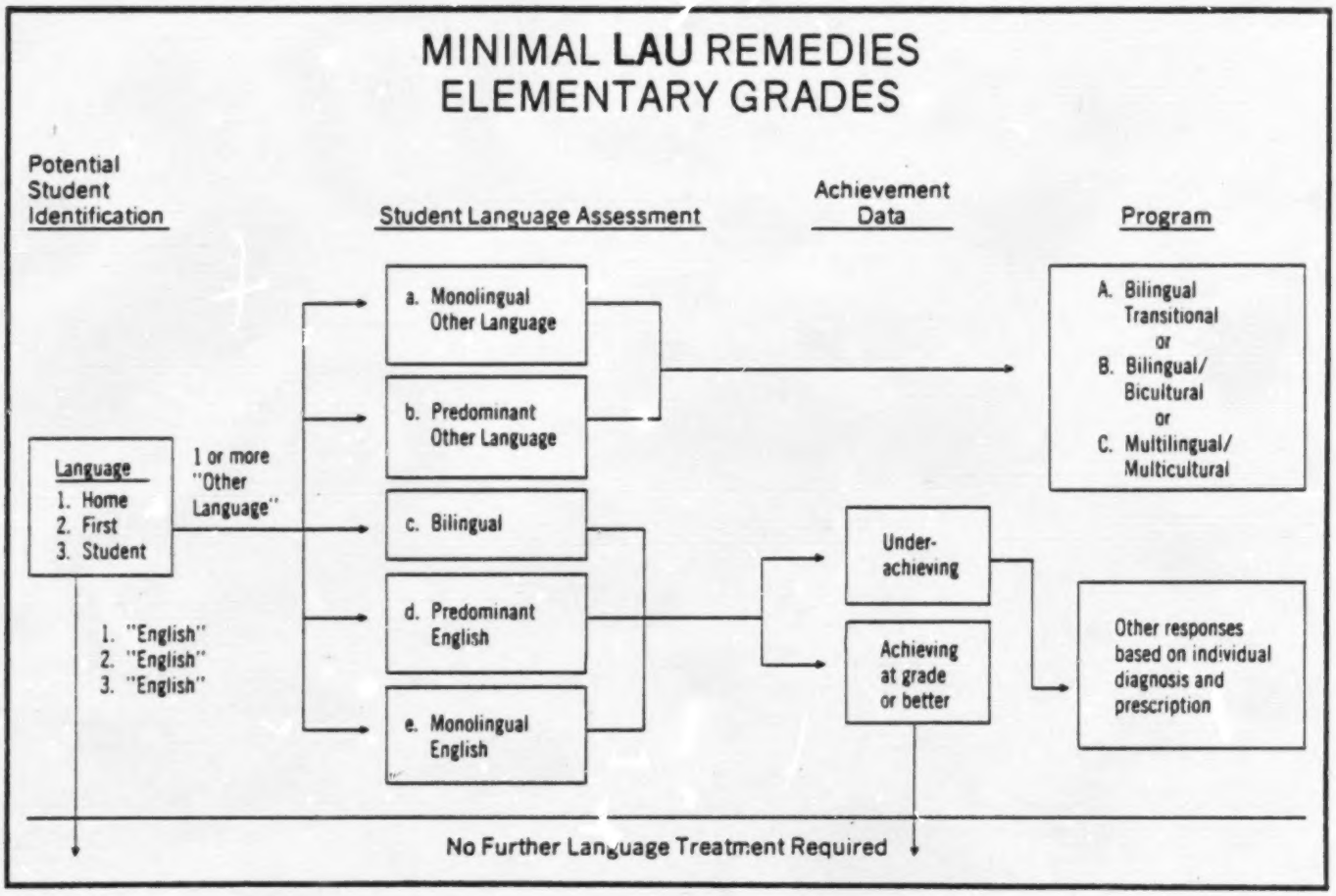
_____

Telephone: _____

Home Language: _____

Children:

Name	School Attending	Grade	First Language Learned by Child	Language Used Most Often at Home	Language Child Uses Most Often With Other Children


MINIMAL LAU REMEDIES
ELEMENTARY GRADES
Potential Student Identification
Student Language Assessment
Achievement Data
Program
Language
1. Home
2. First
3. Student
1 or more "Other Language"
1. "English"
2. "English"
3. "English"
a. Monolingual Other Language
b. Predominant Other Language
c. Bilingual
d. Predominant English
e. Monolingual English
Under-achieving
Achieving at grade or better
A. Bilingual Transitional
or
B. Bilingual/ Bicultural
or
C. Multilingual/ Multicultural
Other responses based on individual diagnosis and prescription
No Further Language Treatment Required